

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION**

**FILED**

AUG - 7 - 2002



LARRY W. [unclear] CLERK  
U. S. DISTRICT COURT

**In Re: Fertilizer Group Litigation**

) C/A No. 7:01-1001-13 to 7:01-1907-13

) C/A No. 7:01-3707-13 to 7:01-3742-13

) C/A No. 7:02-1226-13 to 7:02-1232-13

) **MOTION TO EXCLUDE TESTIMONY**

) **OF PLAINTIFFS' EXPERT**

) **WITNESSES UNDER *DAUBERT* v.**

) ***MERRELL DOW***

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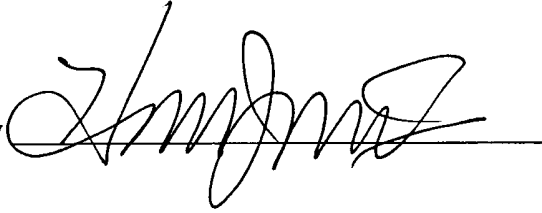
IMC Global, Inc. and IMC Global Operations, Inc. ("IMC"), by counsel, pursuant to Fed. R. Evid. 703 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), move this Court to exclude testimony from certain of the Plaintiffs' experts, on the grounds that such testimony violates the minimum standards of reliability and admissibility in federal courts. Specifically, IMC moves to exclude the opinions of Dr. Douglas Hammer and Messrs. Marco Kaltofen, John Roberts, Colin Baynes, John Spessard, and Michael Duffield for the reasons set forth in detail in the individual Memoranda (and related affidavits and exhibits) filed in support of this Motion as to each such expert.

In further support of this Motion, IMC also relies on its previously filed Memorandum of Law Regarding Admissibility of Expert Testimony Under *Daubert v. Merrell Dow*.

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Respectfully submitted:

**IMC GLOBAL, INC. and  
IMC GLOBAL OPERATIONS, INC.**

By 

D. Alan Rudlin  
(Virginia Bar No. 17010)  
Manning Gasch, Jr.  
(Virginia Bar No. 12617)  
Harry M. Johnson, III  
(Virginia Bar No. 29144)  
Christopher R. Graham  
(Virginia Bar No. 36328)  
Shawn A. Copeland  
(Virginia Bar No. 38824)  
HUNTON & WILLIAMS  
951 E. Byrd Street  
Riverfront Plaza, East Tower  
Richmond, VA 23219  
(804) 788-8200

Beattie B. Ashmore  
(Federal Bar No. 5215)  
PRICE, PASCHAL & ASHMORE, P.A.  
P.O. Box 10008 (29603)  
644 E. Washington Street  
Greenville, South Carolina 29601  
(864) 467-1001

**Counsel for IMC Global, Inc. and  
IMC Global Operations, Inc.**